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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,807	11/02/2000	Brahim Bensaou	CU-2377 RJS	4312

7590 07/29/2004

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EXAMINER

SCHULTZ, WILLIAM C

ART UNIT	PAPER NUMBER
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2664

DATE MAILED: 07/29/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/704,807

Applicant(s)

BENSAOU ET AL.

Examiner

William C. Schultz

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-30 is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,3-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Redi [U.S. Pat. 6,556,582].

Regarding claim 1, Redi discloses all the following subject matter: a method for communicating at least one data packet between a first and a second of a plurality of communication units on a common communication channel in a distributed multiple access wireless communication system, the method comprising the steps of:

a) providing the at least one data packet to the first communication unit for transmission by the first communication unit to the second communication unit; (**col. 5, lines 51-53**)

b) providing at least one quality of service (QOS) parameter to the first communication unit, wherein the at least one QOS parameter is associated with the at least one data packet; (**col. 6, lines 45-48; col. 6, lines 55-57**)

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c) the first communication unit determining at least a first transmission parameter from the at least one QOS parameter; **(fig. 6, part 620 determining time left; col. 7, lines 17-20, lines 25-27)**

d) the first communication unit transmitting a transmit request message in accordance with the at least the first transmission parameter; **(fig. 6, part 605; col. 7, lines 28-34)**

e) the second communication unit transmitting a transmit grant message in response to receiving the transmit request message; and **(fig. 6, part 635; col. 7, lines 45-47)**

f) in response to the first communication unit receiving the transmit grant message from the second communication unit, the first communication unit transmitting the at least one data packet. **(fig. 6, part 640; col. 7, lines 47-48)**

Regarding claims 3,15,16, Redi further discloses step (c) further comprises the step of determining access time on expiry of which the first communication unit transmits the transmit request message. **(col. 7, lines 25-27)**

Regarding claim 4, Redi further discloses step (c) further comprises the step of monitoring whether access time has expired from time the at least one data packet is received. **(col. 7, lines 28-34; since it is waiting for transmission it must be monitoring whether time has expired so it can transmit)**

Regarding claim 5, Redi further discloses step (c) further comprises, on expiry of the access time, the step of determining whether the common communication channel is available prior to transmitting the transmit request message. **(col. 7, lines 25-27)**

Regarding claims 6,14, Redi further discloses after step (c) but before step (d), the step of determining whether the common communication channel is available. **(col. 6, lines 21-24)**

Regarding claim 7, Redi further discloses after step (f, the steps of: in response to the second communication unit receiving the at least one data packet, the second communication unit transmitting an acknowledge message; and the first communication unit receiving the acknowledge message. **(col. 6, line 18, lines 32-33)**

Regarding claim 8, Redi further discloses step (c) further comprises the step of determining at least a second transmission parameter from the at least one quality of service parameter; **(fig. 6, part 620 determining time left; col. 7, lines 17-20, lines 25-27)** wherein step (d) further comprises the step of including the at least the second transmission parameter in the transmit request message, **(fig. 6, part 605; col. 7, lines 28-34)** and wherein step (e) further comprises the step of transmitting the transmit grant message in accordance with the second transmission parameter. **(fig. 6, part 640; col. 7, lines 47-48)**

Regarding claim 9, Redi further discloses after step (f), the step of: in response to the second communication unit receiving the at least one data packet, the second communication unit transmitting an acknowledge message; and the first communication unit receiving the acknowledge message. **(col. 6, line 18, lines 32-33)**

Regarding claim 10, Redi further discloses after step (c) but before step (d), the step of determining whether the common communication channel is available. **(col. 6, lines 21-24)**

Regarding claim 11, Redi further discloses step (c) comprises the step of determining when the first communication unit transmits the transmit request message. **(fig. 6, part 635; col. 7, lines 45-47)**

Regarding claim 12, Redi further discloses after step (d) but before step (e), the step of determining whether the common communication channel is available. **(col. 6, lines 21-24)**

Regarding claim 17, Redi further discloses step (d) further comprises the step of monitoring receipt of any other transmit request messages during the delay time. **(col. 7, lines 36-37 – how could it determine if it is not receiving data if it isn't monitoring the reception of data packets)**

Regarding claim 13, Redi discloses all the following subject matter: a method in a first of a plurality of communication units for transmitting at least one data packet to a second of the plurality of communication units on a common communication channel in a distributed multiple access wireless communication system, the method comprising the steps of:

a) providing the at least one data packet for transmission to the second of the plurality of communication units; **(col. 5, lines 51-53)**

b) providing at least one quality of service (QOS) parameter, wherein the at least one QOS parameter is associated with the at least one data packet; **(col. 6, lines 45-48; col. 6, lines 55-57)**

c) determining at least a first transmission parameter from the at least one quality of service parameter; **(fig. 6, part 620 determining time left; col. 7, lines 17-20, lines 25-27)**

d) transmitting the transmit request message in accordance with the at least the first transmission parameter; **(fig. 6, part 605; col. 7, lines 28-34)**

e) in response to receiving a transmit grant message from the second communication unit, the first communication unit transmitting the at least one data packet. **(fig. 6, part 640; col. 7, lines 47-48)**

Regarding claim 18, Redi discloses all the following subject matter: a method for communicating at least one data packet in a distributed multiple access wireless communication system, the method comprising the steps of:

a) providing at least one data packet for transmission in the distributed multiple access wireless communication system; **(col. 5, lines 51-53)**

b) providing at least one quality of service (QOS) parameter; **(col. 6, lines 45-48; col. 6, lines 55-57)**

c) determining a delay time and an access time from the at least one QOS parameter; **(col. 7, lines 28-34)**

d) packetising a request to transmit message which includes the delay time; **(col. 7, lines 25-26)**

e) transmitting the request to transmit message after the access time has elapsed; **(col. 7, lines 32-34; col. 8, lines 20-23)**

f) receiving the request to transmit data packet; **(col. 7, lines 44-46)**

g) transmitting a clear to transmit message after the delay time has elapsed; (**col. 7, lines 17-34**)

h) receiving the clear to transmit message; (**col. 7, lines 48-49**)

i) transmitting the at least one data packet; (**col. 7, line 49**)

j) receiving the at least one data packet; (**col. 7, lines 52-53**)

k) transmitting an acknowledge message; (**col. 7, lines 53-55**)

L) receiving the acknowledge message. (**col. 7, lines 58-60 – the sending node receives a nack so it also must receive an ack**)

Regarding claims 19,21, Redi further discloses after step (g) the steps of: waiting until a predetermined time lapses without receiving the clear to transmit message; and transmitting a new request to transmit message at a later time. (**col. 8, lines 16-19 – a NCTS is not a CTS reception and the wait until ack from node 125 is a predetermined time lapse which reasonably could be any amount of time, applicant doesn't say something like "after 25msec"**)

Regarding claim 20, Redi further discloses the step of transmitting further comprises the steps of: determining a backoff time with the at least one QOS parameter and lapsed time; waiting until the backoff time expires; determining a new delay time and a new access time in conjunction with the at least one QOS parameter and lapsed time; packetising the new request to transmit message which includes the new delay time; and transmitting the new request to transmit message after the new access time has elapsed. (**col. 8, lines 20-23 – determining a backoff time is the "period of time at least equal to the optional time value"**)

Claim Rejections - 35 USC § 103

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Redi [U.S. Pat. 6,556,582].

Regarding claim 2, Redi discloses claim 1 as above but fails to disclose step (b) precedes step (a).

Without arguing whether or not this claim actually complies with the 112 requirement of a dependent claim being further limiting. It would have been obvious to one of ordinary skill in the art at the time of invention that the claimed steps could occur in any order. Furthermore, applicant has not pointed out any patentable distinctiveness for the steps being performed in a certain order, therefore the order of the steps is the epitome of obviousness.

Allowable Subject Matter

Claims 22-30 are allowed.

The following is an examiner's statement of reasons for allowance of claims 22-30: Having the steps of the invention does not mean that the apparatus is also found.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

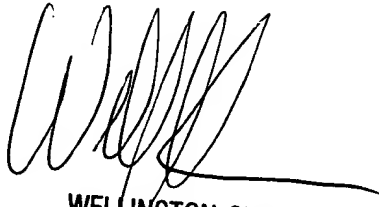
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Schultz whose telephone number is 703-305-2367. The examiner can normally be reached on M-F(7-4)(first bi-week) M-Th(7-4)(second bi-week).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 703-305-4366. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

William Schultz



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